

2. The examination will be conducted by:

Dave M. Atkin, M.D.
411 30th Street, Suite 403
Oakland, CA 94609
Phone: (510) 486-8007

Date: April 8, 2008

Time: 3:30 p.m. 3:00 p.m.

3. The examination will or may consist of a clinical examination of the plaintiff, with a focus on current as well as past, physical condition, level of functioning and medication, tests, oral questions, and other such necessary procedures, none of which will be painful, protracted or intrusive, will also be administered. All testing and examinations will be performed by Dr. Atkin. The testing will include a physical examination, all of which should take no more than three hours, with breaks as necessary. If prior medical records exist for the claimed injuries, they are to be made available to Dr. Atkin pursuant to Rules 26 and 35.

4. Plaintiff will answer all proper questions about her claimed injuries and medical history submitted to her by Dr. Atkin, including occupational history and prior medical and physical health conditions for the purpose of making a proper diagnosis of plaintiff's condition.

5. Defendant shall bear the costs of the examination.

6. Defendant shall provide and bear the costs of an American sign language interpreter during the exam. The interpreter shall be female.

7. Plaintiff shall respond as required by Federal Rules of Civil Procedure, Rules 26 and 35.

Dated: February 22, 2008

**MANNING & MARDER
KASS, ELLIOTT, RAMIREZ LLP**

By: _____

Lisa A. Villasenor
Attorneys for Defendant,
J.C. PENNEY CORPORATION, INC.

April 8th
Dated: ~~February~~ _____, 2008

LAW OFFICES OF MAUREEN E. MCFADDEN

By: _____

Maureen E. McFadden
Attorneys for Plaintiffs,
LOUELLA BOREN and LEROY BOREN

ORDER

IT IS HEREBY ORDERED,

1. That plaintiff, LOUELLA BOREN, will submit to a defense medical examination regarding her claimed physical injuries, pursuant to Federal Rules of Civil Procedure, Rules 26 and 35, under the conditions set forth below. The purpose of this examination is to determine the extent of physical injuries, if any, that plaintiff alleges she sustained during the incident that is the subject of this lawsuit.

2. That the examination be conducted by Dave M. Atkin, M.D. who is located at 411 30th Street, Suite 403, Oakland, CA 94609. Dr. Atkin's office telephone number is (510) 486-8007.

3. That the examination will or may consist of a clinical examination, detailed medical history and evaluation of the current as well as past, physical condition, level of functioning and medication, tests, oral questions, and other such necessary procedures, none of which will be painful, protracted or intrusive, will also be administered. All testing and examinations will be performed by Dr. Atkin. The testing will include a physical examination, all of which should take no more than three hours, with breaks as necessary. If prior medical records exist for the claimed injuries, they are to be made available to Dr. Atkin pursuant to Rules 26 and 35.

4. That plaintiff will answer all proper questions about her claimed injuries and medical history submitted to her by Dr. Atkin, including occupational history and prior medical and physical health conditions for the purpose of making a proper diagnosis of plaintiff's condition.

5. That defendant shall bear the costs of the examination.

6. That defendant shall provide and bear the costs of an American sign language interpreter during the exam. The interpreter shall be female.

7. That plaintiff will respond as required by Federal Rules of Civil Procedure, Rules 26 and 35.

Dated: _____

Honorable Elizabeth D. Laporte

CERTIFICATION OF SERVICE

LOUELLA BOREN AND LEROY BOREN v. J.C. PENNEY CORPORATION, INC.
United States District Court - Northern District Case No.: (C 07-03532 EDL)

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One California Street, Suite 1100, San Francisco, CA 94111.

On April 8, 2008, I served the document described as STIPULATION AND ORDER FOR DEFENSE MEDICAL EXAMINATION PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE, RULE 35 on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **(BY MAIL)** I caused such envelope to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

I placed such envelope with postage thereon prepaid in the United States mail at San Francisco, California.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(BY OVERNIGHT COURIER):** I placed the above-referenced document(s) in an envelope for collection and delivery on this date in accordance with standard _____ overnight delivery procedures.

☒ **(BY FACSIMILE)** I telecopied such document to the offices of the addressee at the following fax number: (510) 987-7318.

☐ **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee.

☐ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 8, 2008 at San Francisco, California.



Carlos Rios

SERVICE LIST

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LOUELLA BOREN and LEROY BOREN

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IME Doctor